

REMARKS

After entry of this amendment, claims 1-18 are pending. Claims 17 and 18 have been added. Claim 17 finds support *inter alia* in the original claim 12. Claim 18 finds support in the specification at page 3, lines 39-40. The claims have been amended without prejudice or disclaimer to better comply with the U.S. practice. The amended claims find support *inter alia* in the original claims. No new matter has been added.

An Information Disclosure Statement (IDS) was submitted on September 25, 2006, together with the initial filing of the present application. A copy of the IDS Form SB/08 bearing the Examiner's initial to indicate that the references cited therein were considered has not yet received by Applicants. Accordingly, Applicants respectfully request that the references cited in the IDS submitted on September 25, 2006 be made of record and an initialed Form SB/08 be issued.

Claim Rejection – 35 USC § 103

Claims 1-16 are rejected under §35 U.S.C. 103(a) as being obvious over Spence *et al.* (WO 97/33934, hereinafter "Spence"), in view of the knowledge of the art. Applicants respectfully disagree and traverse the rejection for the following reasons.

To support a *prima facie* conclusion of obviousness, the prior art must disclose or suggest all the limitations of the claimed invention. See *In re Lowry*, 32 F.3d 1579, 1582, 32 USPQ2d 1031, 1034 (Fed. Cir. 1994); see also *Ex parte Alexander*, 86 USPQ2d 1120, 1122 (BPAI 2007) (where the Board reversed an obviousness rejection in part because the Examiner had not identified all the elements of the claim in the cited prior art).

As disclosed in the specification and repeated in the claims, the present invention relates to a multilayer, greaseproof packaging material with a substrate layer and at least one layer applied to the substrate layer, which does not form the exterior of the packaging. See e.g., Specification at page 1, lines 6-7 and claim 1. Additionally, the multilayer, greaseproof packaging material according to the present invention possesses a high greaseproofness as indicated by the kit numbers as per 3M kit test. See Specification at page 9, Example 4.

The Examiner relies on Spence for teaching a layer comprising a high amylose starch derivative with amylase content within the claimed range and wherein amylose is alkylene oxide

modified. The Examiner acknowledges that Spence does not specifically teach a substrate with high amylose layer and that the specific alkylene oxide is used. The Examiner, however, alleges that it was known in the art that a biodegradable layer might be placed upon a substrate, and thus renders the present invention obvious. Office Action at page 2. Applicants disagree.

Spence specifically discloses a biodegradable sheet material and methods for producing the same. It describes that the sheet can be easily disposed of in a manner which is environmentally safe or dissolved into its constituent components upon prolonged exposure to moisture. Spence at pages 2-3.

As recognized in the Official Action, Spence does not teach or suggest the claimed subject matter, *i.e.* a multilayer packaging for greasy products comprising a layer that is applied upon a substrate layer and does not form the exterior of the packaging. Spence does not teach or suggest that the biodegradable sheet material disclosed therein has grease-resistance properties.

The Examiner cites to the state of the art disclosed in the specification, but the alleged knowledge of the art does not remedy the deficiency of Spence. Because Spence does not disclose grease resistance, there is no reason one of skill in the art would have combined Spence with the prior art knowledge of grease-resistant laminates. Furthermore, as noted at page 1, line 34 of the specification, the prior art relied primarily upon fluoropolymers for this function, a disclosure which provides no logical connection to the different polymers disclosed by Spence. Thus, the rejection is based purely upon the hindsight provided by the present disclosure, and not upon what would have been evident from the prior art.

Nor do the combination of Spence and the alleged knowledge of the art teach or suggest production of a multilayer packaging material that has a high greaseproofness as indicated by the kit numbers. High kit numbers as per 3M test represent a high greaseproofness (see specification at page 1, lines 30-31). According to the specification at page 9, Example 4, the multilayer packaging for greasy products of the present invention has a kit number greater than 21 as per 3M kit test. Because Spence suggests nothing about greaseproof properties, it follows that the combination of Spence with the existing knowledge would not have provided a reasonable expectation of such improved properties.

Because a person of ordinary skill in the art would have had no reason to combine Spence

with the acknowledged state of the art, and further, because all the limitations of the claims are not taught in the prior art, the rejection is unsupported and should be withdrawn.

Reconsideration and withdrawal of the rejection is respectfully requested.

CONCLUSION

For at least the above reasons, Applicants respectfully request withdrawal of the rejections and allowance of the claims. If any outstanding issues remain, the Examiner is invited to telephone the undersigned at the number given below.

Accompanying this response is a petition for a one-month extension of time to and including October 27, 2008, to respond to the Office Action mailed June 27, 2008 with the required fee. No further fees are believed due. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 13987-00025-US from which the undersigned is authorized to draw.

Respectfully submitted,

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